SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

No.

ROLAND R. POTHIER, Appellant,

against

WILLIAM R. RODMAN, United States Marshal, and HENRY C. HART, United States Commissioner, Appellees.

(MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.)

The appellant in the court below appears by Davis G. Arnold, Counsel, and moves the court for an order allowing appellant to proceed in the above entitled cause *in forma pauperis* and to prosecute his appeal without being required to prepay fees or costs and the giving of security therefor before or after the bringing of these proceedings, and to that end he tenders the affidavit of Davis G. Arnold, his Counsel.

Briefly stated, the object of the motion is to enable the appellant below to prosecute his appeal from the order of the

District Court of the United States for the District of Rhode Island on his petition for writ of *habeas corpus* and certiorari:

1. October 25, 1918, Maj. Alexander P. Cronkhite met his death on the Camp Lewis Military Reservation, Pierce County, Washington.

2. March 25, 1921, a complaint charging manslaughter was filed against Roland R. Pothier, the appellant, and he was arrested.

3. March 30, 1921, the Attorney General of the United States by telegram to the United States District Attorney at Seattle, agreed that there was no Federal jurisdiction over the death of Major Cronkhite and directed that the matter be turned over to the Prosecuting Attorney, Pierce County, State of Washington.

4. July, 1921, by direction of the Attorney General of the United States, the appellant was discharged from arrest under the warrant charging manslaughter.

5. October 13, 1922, the Grand Jury of the United States of America for the Southern Division of the Western District of Washington, indicted Roland R. Pothier, the appellant, and Robert Rosenbluth, charging them with having willfully murdered Alexander P. Cronkhite within and on lands theretofore acquired for the exclusive use of the United States and under the exclusive jurisdiction thereof, and within the Southern Division of the Western District of Washington, to wit, Camp Lewis Military Reservation.

6. October 19, 1922, Roland R. Pothier, the appellant, was arrested and immediately produced before Henry C.

Hart, United States Commissioner for said District of Rhode Island, under warrant to apprehend, and during the absence of his Attorney of Record was advised by the United States District Attorney to plead "Not Guilty" and was forthwith committed to the custody of the Marshal and keeper of the Providence County jail without bail.

7. December 6, 1922, Roland R. Pothier, appellant, petitioned for a writ of *habeas corpus* and for writ of certiorari directed to said Henry C. Hart, Esq., United States Commissioner.

It is contended on behalf of Roland R. Pothier, appellant, that no offense was committed triable in the Western District of Washington; that no crime has been committed against the United States; that the land upon which it is alleged that said crime was committed was not reserved or acquired for the exclusive use of the United States and was not under the exclusive jurisdiction thereof; that the land upon which it is claimed that said crime was committed was under the exclusive jurisdiction of the State of Washington.

That writ of certiorari should have been issued directing the said Henry C. Hart, Esq., United States Commissioner for the District of Rhode Island and Commissioner under the laws of the United States concerning the removal of persons charged with the violation of the laws of the United States, pursuant to Section 1014 of the Revised Statutes, directing him to certify to the District Court for the District of Rhode Island all the proceedings which took place before him and all the evidence that was offered before him in the said proceedings, which resulted in the commitment of Roland R. Pothier to the custody of the United States Mar-

shal and the keeper of the Providence County jail without bail; the said Commissioner finding that probable cause being shown to believe the said Roland R. Pothier had committed said offense as charged.

8. The bail of Robert Rosenbluth, who was indicted with Roland R. Pothier, has been discharged and the petition of the United States Attorney for warrant of removal of the said Robert Rosenbluth has been denied in the United States District Court for the Southern District of New York. The United States Commissioner for the Southern District of New York having found that the land upon which it is alleged that the said crime was committed was not reserved or acquired for the exclusive use of the United States and was not under the exclusive jurisdiction thereof when it is alleged the said crime of willful murder was committed by the said Robert Rosenbluth and Roland R. Pothier, the appellant.

9. The order of the District Court of the United States for the District of Rhode Island from which the said Roland R. Pothier, appellant, appeals is as follows:

DISTRICT COURT OF THE UNITED STATES, DISTRICT OF RHODE ISLAND.

Law No. 1532-C.

In re Petition of ROLAND R. POTHIER for Writ of *Habeas Corpus.*

Order.

This cause came on to be heard upon the petition order to show cause why the writ should not issue, the oral objections of the respondents and the United States to the sufficiency of said petition, and upon the evidence introduced in the correlative matter of the petition of the United States Attorney for warrant of removal of the said Roland R. Pothier, was argued by counsel and upon consideration thereof, it appearing (1) that said petition failed to state sufficient grounds for the granting of the writ of *habeas corpus*, and (2) that the imprisonment, restraint and detention of said Roland R. Pothier were in accordance with law it is hereby ORDERED, ADJUDGED AND DECREED that the petition for writ of *habeas corpus* be and the same hereby is denied and dismissed.

Entered as the order and decree of this court January 30, A. D. 1923.   THOMAS HOPE,

Clerk.

Enter as of January 11, 1923.
ARTHUR L. BROWN,
United States District Judge.

DAVIS G. ARNOLD,
Counsel for Appellant.
1002 Union Trust Building, Providence, Rhode Island.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

ROLAND R. POTHIER, *Appellant*,

against

WILLIAM R. RODMAN, *United States Marshal*, and HENRY C. HART, *United States Commissioner, Appellees.*

Davis G. Arnold, being duly sworn, deposes and says:

1. I am the counsel for the appellant, Roland R. Pothier, in the above-entitled cause. I further state that I have examined the case of the said appellant and believe that he has a just cause for appeal, and I verily believe that because of his poverty said appellant is unable to pay the costs of said appeal or to print the record therein or to give surety for the same.

2. That the appellant herein made a motion before the District Court of the United States for the District of Rhode Island to allow him to prosecute his appeal before said court *in forma pauperis,* and that said court, upon hearing said motion and on January 31, 1923, issued an order allowing the appellant herein to prosecute his appeal in the above-entitled cause *in forma pauperis.*

3. That the appellant herein is without funds and that his friends and relatives have expended to their limit large amounts of money in the defense of the appellant, he having been arrested twice for the same offense.

4. That the appellant herein has been confined in the Providence County jail since his arrest in this case and his

relatives and friends, principally the American Red Cross, have been providing for the support of his sickly wife and child.

5. Unless the appellant is permitted to proceed *in forma pauperis* for a review in this Honorable Court of the above-entitled case he will be utterly unable to rectify what counsel respectfully believes was a denial of appellant's rights to a writ of *habeas corpus* and a writ of certiorari.

                                      DAVIS G. ARNOLD.

Sworn to before me this 24th day of February, 1923.

[Seal of C. Elmore Cropley, Notary Public, District of Columbia.]

                        C. ELMORE CROPLEY,
                Notary Public, District of Columbia.

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